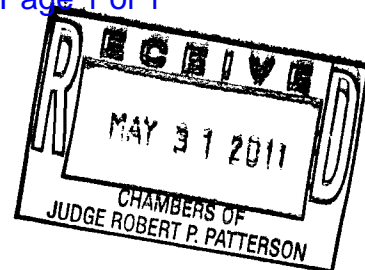


MEMO ENDORSED

STROOCK



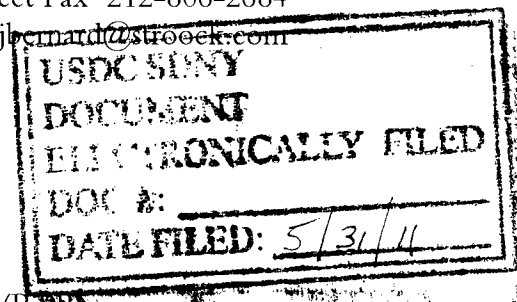
By Hand

May 27, 2011

James L. Bernard
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jbernard@stroock.com

Honorable Robert P. Patterson
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007



Re: Levin v. Bank of New York, et al., Case No. 09-cv-5900 (RPP)

Dear Judge Patterson:

We are counsel for the Greenbaum and Acosta Judgment Creditors in the above-referenced action. We are pleased to inform the Court that the Levin Plaintiffs, the Greenbaum and Acosta Judgment Creditors and the Heiser Judgment Creditors (the "Interested Parties") have reached an agreement in principle to settle this matter.

Accompanying this letter is a courtesy copy of a motion to approve the terms of a consent order that would effectuate the terms of the settlement. As explained further below, the mechanics of effectuating the settlement require entry of a consent judgment by this Court, and we therefore respectfully request that the Court hold a status conference as soon as the Court is available so that we can better inform the Court of the details of the agreement and address next steps. Because of the pendency of the appeal of this Court's opinion on the Levin Plaintiffs' motion for summary judgment, time is of the essence.

*Application
granted
Conference
to be held
6/2/11 at 11AM
so ordered
R. P. Patterson
USDC
5/31/11*

By way of background, the Levin Plaintiffs filed a motion for partial summary judgment and turnover of all of the Phase One Assets on July 13, 2010, after all parties to the interpleader had either answered or were in default. The Greenbaum and Acosta Judgment Creditors and the Heiser Judgment Creditors opposed the Levin Plaintiffs' motion, and made their own respective cross-motions for partial summary judgment and turnover of certain, but not all, of the Phase One Assets.¹ The Court's March 4, 2011

¹ Notably, no other parties to this action opposed the Interested Parties' respective motions for partial summary judgment and turnover with regard to the Phase One Assets, nor did any other parties move with regard to the Phase One Assets.